

SUBDIVISION IMPROVEMENT AGREEMENT

William's Run Section 2 Subdivision

This Agreement, made by and between the City of Greenfield Board of Public Works and Safety ("Board of Works") and JH Williams Run LLC ("Subdivider").

Preamble

WHEREAS, Subdivider applied to the Plan Commission for primary plat approval for William's Run Section 2 Subdivision;

WHEREAS, on May 11, 2020 the Plan Commission granted Subdivider primary plat approval for the William's Run Section 2 Subdivision but conditioned such approval on the installation of certain public improvements throughout the subdivision;

WHEREAS, the City of Greenfield Subdivision Control Ordinance states and requires that each secondary plat submitted to the Commission shall be accompanied by a subdivision improvement agreement that is secured by a financial guarantee, if the required public improvements have not been completed;

WHEREAS, Subdivider applied to the Zoning Administrator for secondary plat approval, as authorized by the Plan Commission, for William's Run Section 2 Subdivision;

WHEREAS, Subdivider has not completed the required public improvements, namely improvements for the installation of storm sewer, sidewalks, ADA ramps, lot corner and street centerline monuments, street signs, and street trees, and desires to submit a subdivision improvement agreement, secured by performance bonds in order to qualify for secondary plat approval.

NOW, THEREFORE, IN CONSIDERATION OF THE PROMISES AND MUTUAL COVENANTS CONTAINED IN THIS AGREEMENT:

Promises and Mutual Covenants

1. Subdivider agrees to obtain and submit to the Board of Works performance bonds in the amount of \$192,571.50 (One hundred ninety-two thousand, five hundred seventy-one dollars and fifty cents) in favor of the City of Greenfield, to secure the completion of all required public improvements in William's Run Section 2 subdivision.
2. Subdivider agrees to complete the William's Run Section 2 subdivisions public improvements on or before November 28, 2024 in accordance with the construction and design standards set forth or incorporated in the City of Greenfield Subdivision Control Ordinance, the City of Greenfield Public Improvement Design Standards and Specifications Manual, and in accordance with the development plans set forth or incorporated in the approved William's Run Section 2 subdivisions Plat and application materials.

3. The parties acknowledge and agree that the Zoning Administrator may withhold improvement location permits for any undeveloped lots in William's Run Section 2 subdivision unless and until Subdivider has completed the public improvements that serve the lot.
4. The parties acknowledge and agree that time is of the essence and that any failure by Subdivider to strictly adhere to the foregoing schedule (paragraph number 2 above) would constitute a material breach and violation of this Agreement. Upon such violation, or any other violation of this Agreement, the Board of Works may submit a claim under the performance bonds in an amount sufficient to cover the breach.
5. The parties acknowledge and agree that by accepting the performance bonds from Subdivider and that by entering into this Agreement, the City has not and does not waive any of its rights with respect to the enforcement of the City of Greenfield Subdivision Control Ordinance and/or approval granted thereunder in relation to William's Run Section 2 subdivision against the Subdivider.

IN WITNESS WHEREOF, the Board of Works, by its Chairperson, and Subdivider execute this Agreement this ___ th day of _____, 2023.

GREENFIELD BOARD OF PUBLIC
WORKS AND SAFETY

Chuck Fewell, Mayor

Katherine N. Locke

Larry J. Breese

Kelly McClarnon

SUBDIVIDER



Thomas J. Joyner (Nov 21, 2023 15:23 EST)

JH Williams Run LLC
Thomas Joyner, President

Glenna Shelby

ATTEST: _____
Lori Elmore, Clerk-Treasurer
City of Greenfield

SUBDIVISON AGREEMENT Williams Run Sec 2

Final Audit Report

2023-11-21

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| Created: | 2023-11-21 |
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"SUBDIVISON AGREEMENT Williams Run Sec 2" History

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-  Signer tom@joynerhomes.com entered name at signing as Thomas J Joyner
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